

Article - State Government

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§9-1E-15.

(a) There is a Sports Wagering Application Review Commission.

(b) (1) The Sports Wagering Application Review Commission consists of the following seven members:

(i) the chair of the Commission, or the chair's designee;

(ii) two members appointed by the Governor;

(iii) two members appointed by the President of the Senate, who may not be members of the Senate; and

(iv) two members appointed by the Speaker of the House, who may not be members of the House of Delegates.

(2) The membership of the Sports Wagering Application Review Commission appointed under this subsection should reflect the race, gender, and geographic diversity of the population of the State.

(3) The Governor shall designate a chair of the Sports Wagering Application Review Commission from among the members described under paragraph (1)(i) and (ii) of this subsection.

(4) The Governor, in consultation with the President of the Senate and the Speaker of the House, may remove a member of the Sports Wagering Application Review Commission for inefficiency, misconduct in office, or neglect of duty.

(c) A member of the Sports Wagering Application Review Commission:

(1) shall be at least 21 years old;

(2) shall be a citizen of the United States;

(3) shall be a resident of the State;

(4) shall be knowledgeable and experienced in fiscal matters and shall have at least 10 years of substantial experience:

(i) as an executive with fiduciary responsibilities in charge of a large organization or foundation;

(ii) in an academic field relating to finance or economics; or

(iii) as an economist, a financial analyst, or an accountant, or as a professional in a similar profession relating to fiscal matters or economics;

(5) may not have been convicted of or granted probation before judgment for a serious crime or a crime that involves gambling or moral turpitude;

(6) may not have an official relationship to a person that is applying for or holds a license under this subtitle or Subtitle 1D of this title;

(7) may not have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, video lottery terminals, fantasy competitions, or lottery;

(8) may not receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing or lottery;

(9) may not have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any gaming establishment or gaming activity;

(10) may not be an elected official of State or local government; and

(11) shall file a financial disclosure statement with the State Ethics Commission in accordance with Title 15, Subtitle 6 of this article.

(d) A member of the Sports Wagering Application Review Commission:

(1) may not receive compensation for serving on the Sports Wagering License Review Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) (1) The Commission and the Department of Legislative Services shall provide staff to the Sports Wagering Application Review Commission.

(2) The Department of Legislative Services shall contract with an independent consultant that has at least 10 years of substantial experience in consulting on matters relating to the gaming industry to assist the Sports Wagering Application Review Commission in the review and analysis of applications submitted under this section.

(f) The Sports Wagering Application Review Commission:

(1) shall review applications for sports wagering licenses submitted in accordance with § 9-1E-06 of this subtitle;

(2) shall award:

(i) a Class A-1 or A-2 facility license to any applicant that meets the requirements for licensure under this subtitle; and

(ii) a Class B-1 or B-2 facility license to any applicant that is described under § 9-1E-06(a)(2)(i) of this subtitle and meets the requirements for licensure under this subtitle; and

(3) may not award a Class B-1 or B-2 sports wagering facility license, other than to an applicant described under § 9-1E-06(a)(2)(i) of this subtitle, or a mobile sports wagering license until after the Sports Wagering Application Review Commission adopts the regulations required under subsection (h) of this section.

(g) Nothing in this subtitle may be construed to preempt the exclusive authority of the Sports Wagering Application Review Commission to award sports wagering licenses in accordance with this subtitle.

(h) (1) This subsection applies only to Class B-1 or B-2 sports wagering facility licenses, other than licenses issued to an applicant described under § 9-1E-06(a)(2)(i) of this subtitle, and mobile sports wagering licenses.

(2) Subject to paragraph (3) of this subsection, the Sports Wagering Application Review Commission shall adopt regulations governing the evaluation of applications for Class B-1 or B-2 sports wagering facility licenses, other than licenses issued to an applicant described under § 9-1E-06(a)(2)(i) of this subtitle, and mobile sports wagering licenses submitted in accordance with § 9-1E-06 of this subtitle.

(3) The Sports Wagering Application Review Commission, in consultation with the certification agency as defined in § 14-301 of the State Finance and Procurement Article, the Governor's Office of Small, Minority, and Women Business Affairs, and the Office of the Attorney General, shall:

(i) evaluate a study of the sports wagering industry and market to determine whether there is a compelling interest to implement remedial measures, in addition to the application of the State Minority Business Enterprise Program under Title 14, Subtitle 3 of the State Finance and Procurement Article or a similar program, to assist minorities and women in the sports wagering industry;

(ii) evaluate race-neutral programs or other methods that may be used to address the needs of minorities, women, and minority and women-owned businesses seeking to participate in the sports wagering industry, including through the ownership of entities licensed to conduct sports wagering under this subtitle;

(iii) consider whether an applicant for a Class B-1 or B-2 sports wagering facility license intends to conduct sports wagering at a facility located in an opportunity zone or an enterprise zone;

(iv) consider allowing early access to the mobile sports wagering market to entities with a meaningful partnership with minorities, women, and minority- and women-owned businesses; and

(v) adopt emergency regulations to implement remedial measures, if necessary and to the extent permitted by State and federal law, based on the findings of the study evaluated under item (i) of this paragraph.

(4) The Sports Wagering Application Review Commission shall:

(i) to the extent permitted by federal and State law, actively seek to achieve racial, ethnic, and gender diversity when awarding licenses; and

(ii) encourage applicants who qualify as a minority business enterprise, as defined in § 14-301 of the State Finance and Procurement Article, or who are small, minority, or women-owned business entities to apply for sports wagering licenses under this subtitle.

(i) (1) If an applicant is seeking investors in the entity applying for a sports wagering license, the applicant shall take the following steps before being awarded a license by the Sports Wagering Application Review Commission:

(i) make serious, good-faith efforts to solicit and interview a reasonable number of minority and women investors; and

(ii) as part of the application, submit a statement that lists the names and addresses of all minority and women investors interviewed and whether

or not any of those investors have purchased an equity share in the entity submitting an application.

(2) If an applicant is awarded a license by the Sports Wagering Application Review Commission, the applicant shall sign a memorandum of understanding with the Sports Wagering Application Review Commission that requires the awardee to again make serious, good-faith efforts to interview minority and women investors in any future attempts to raise venture capital or attract new investors to the entity awarded the license.

(3) The Governor's Office of Small, Minority, and Women Business Affairs, in consultation with the Office of the Attorney General, shall provide assistance to all potential applicants and potential minority and women investors to satisfy the requirements under paragraphs (1)(i) and (2) of this subsection.

(j) The Sports Wagering Application Review Commission may not award a sports wagering license to a person that is not qualified under this section or this subtitle.

(k) (1) The Sports Wagering Application Review Commission shall refer to the State Lottery and Gaming Control Commission the name and all relevant information concerning a person that makes an application under this section.

(2) On receipt of the information in paragraph (1) of this subsection, the State Lottery and Gaming Control Commission shall evaluate whether an applicant is qualified to hold a sports wagering license under this subtitle.

(3) On completion of its determination, the State Lottery and Gaming Control Commission shall notify the Sports Wagering Application Review Commission of its evaluation as to whether an applicant is qualified to hold a sports wagering license under this subtitle.

(l) After an award of a sports wagering license under this section, the Sports Wagering Application Review Commission shall notify the State Lottery and Gaming Control Commission of the successful applicants.

(m) After an award of a sports wagering license under this section, the State Lottery and Gaming Control Commission shall:

(1) issue the sports wagering license in accordance with the provisions of this subtitle; and

(2) be responsible for all matters relating to regulation of the licensee.

(n) (1) An unsuccessful applicant for a sports wagering license under this section may seek, under Title 15 of the State Finance and Procurement Article, review by the State Board of Contract Appeals of the awarding of the sports wagering license by the Sports Wagering Application Review Commission.

(2) A proceeding under this subsection shall:

- (i) take precedence on the Board's docket;
- (ii) be heard at the earliest practicable date; and
- (iii) be expedited in every way.

(o) Notwithstanding any of the provisions of this subtitle, the Sports Wagering Application Review Commission may not award a sports wagering license under this subtitle unless the Sports Wagering Application Review Commission determines and declares that an applicant selected for award of the license is in the public interest and is consistent with the purposes of this subtitle.

(p) The Sports Wagering Application Review Commission may award a sports wagering license that is revoked or surrendered utilizing the criteria established in this subtitle.

(q) (1) Except as provided in paragraph (2) of this subsection, the Sports Wagering Application Review Commission shall terminate on January 1, 2028.

(2) The Governor may reconstitute the Sports Wagering Application Review Commission, which shall include the appointment of new members based on the criteria established under subsections (b) and (c) of this section:

- (i) 1 year prior to the expiration of a sports wagering license;
- or
- (ii) following the revocation or surrender of a sports wagering license.

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